

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Jane Heschmeyer et al.	Art Unit:	1794
Serial No.:	10/748,287	Examiner:	Stulii, Vera
Filing Date:	12/31/2003	Docket No.:	08116.0023.NPUS00
Title:	LOW-GLUTEN WAFER AND METHOD OF MAKING SAME		

Confirmation No. 9611

RESPONSE TO THE FINAL OFFICE ACTION OF NOVEMBER 17, 2008**AND REQUEST FOR CONTINUING EXAMINATION****I. INTRODUCTORY COMMENTS**

- **REQUEST FOR CONSIDERATION OF RESPONSE**

This "RESPONSE TO THE OFFICE ACTION OF NOVEMBER 17, 2008" replies to the outstanding office action in this case, distinctly and specifically points out the errors in the Examiner's action, as well as responds to every ground of objection and rejection set forth in the office action. This response is a *bona fide* attempt to advance the application to final action. In light of the amendments and remarks set forth below, Applicant seeks further examination of the application and requests that the Examiner reconsider the Examiner's position with respect to the patentability of the claims. Applicant hereby requests that any objections or requirements as to form (if any) not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated. A Request for Continuing Examination accompanies this Amendment.

- **REQUEST FOR, AND PAYMENT OF, EXTENSION FEE**

An extension fee, which is believed to be a 3-month extension fee, is due with this filing up to and including May 17, 2009. Applicant hereby requests such extension and provides the

Commissioner with the authority to debit Kelley Drye & Warren's Deposit Account No. 11-0404 for the extension fee.

• *LOCATION OF SPECIFIED SECTIONS FOR SCANNING OF THIS DOCUMENT*

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II. AMENDMENTS TO THE SPECIFICATION	Page 4
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• *REQUEST FOR ENTRANCE OF AMENDMENTS AND CONSIDERATION OF ARGUMENTS*

Applicants respectfully request entrance of the amendments, and consideration of its arguments set forth below. Amended/new claims that may be construed as more limiting in scope than the scope of any of the claims prior to amendment/cancellation/addition should not be construed as an abandonment of any subject matter no longer claimed, nor should the amended/new claims be construed in any manner to waive or limit the equivalent structures of any element recited in such claims that would otherwise be available under the Doctrine of Equivalents with respect to the unamended/cancelled claims.

Amendment/cancellation/addition of the claims is not in any manner intended to, and should not be construed to, waive Applicant's right in the future to seek protection for the subject matter claimed in prior claims, or to seek protection for similar matter in any continuation, divisional, continuation-in-part, RCE, CPA or any other application claiming priority to or through the present application. Applicants expressly reserve the right to file applications

directed to the subject matter covered by any cancelled or previously submitted claim, as well as any uncovered subject matter disclosed in the specification.